

Sally LaCross - Fwd: proposed changes to MCR 6.302

From: Clerk Info
To: LaCross, Sally
Date: 8/26/2009 8:19 AM
Subject: Fwd: proposed changes to MCR 6.302

>>> heidi wolf <hlwolf269@gmail.com> 8/25/2009 5:02 PM >>>

Dear Sir/Madame,

I am writing regarding a notice I received relating to proposed changes to MCR 6.302. As a defense attorney, I am opposed to the inclusion of such language. I believe including a provision that " all discussions regarding a defendant's plea must take place in open court and be placed on the record" is first a violation of the attorney/client privilege. Second, there are certain components contained in some plea negotiations, that by their nature, are not included in public recordings, i.e., a defendant acting as a confidential informant. Clearly, requiring this information to be included on the record would compromise the defendant's ability to keep his/her identity secret. Lastly, placing all plea negotiations on the record may create an unnecessary burden for the prosecuting attorney and decrease the amount of discretion he/she exercises in making plea offers. If every offer extended is immediately subject to the scrutiny of a courtroom full of defendant's, all defendants may hold out for identical offers, even if the fact patterns and circumstances are not identical. Therefore, the likelihood that reasonable offers will be made to defendants in a timely manner decreases.

For the reasons stated above, I urge you not to include the proposed changes to MCR 6.302.

Thank you for your time. If you have any questions, please contact me at 269-673-2105, or this email address.

Heidi L. Wolf (P52011)

Heidi L. Wolf, P.C.

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